



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20543

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B-178600

August 16, 1973

National Scanning, Incorporated
Box 133
Kensington, Maryland 20795

Attention: Mr. Tom Satterthwaite
Regional Marketing Manager

Gentlemen:

By letter dated July 10, 1973, and prior correspondence, you protested the inclusion of Special Provision 4 in invitation for bids (IFB) DJ-A-73-52, issued by the United States Department of Justice.

The solicitation was issued for the procurement of automatic data processing services for the Department's Office of Computer Services. Special Provision 4 of the IFB stated that "offerors specifying performance at any location outside the Metropolitan Washington, D.C. area will be rejected as nonresponsive." The Washington Metropolitan area was defined to include the District of Columbia, Montgomery and Prince Georges Counties in Maryland, Arlington, Fairfax, Loudon and Prince William Counties, Virginia, and the cities of Falls Church, Fairfax, and Alexandria in Virginia.

It is your contention that such restriction is unnecessary as your firm is capable of performing from a location outside the designated area. In this connection, you state that your firm has performed tasks for the Government "which are similar in scope and scale, but whose facilities are not contiguous."

The Department of Justice reports that in determining to restrict this solicitation to the Washington, D.C. area it was influenced by the following considerations:

- "1. The necessity for close liaison between the Government and Contractor Representatives.
- "2. A two-week 'turn-around' time, with requirement for pick-up and delivery to be effected by the Contractor at the Office of Computer Services.

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- "3. The need for adequate control over source documents, and the inexpediency of delivering documents and magnetic tape by mail.
- "4. The potential contract administration problems resulting from industry-wide solicitation (technical directions and interpretations of specifications given by mail, telephone, etc.).
- "5. Procurement regulations relating to excessively long bidders lists (FPR 1-2.205.4).
- "6. Probable response from firms within a reasonable commuting distance."

The drafting of specifications which reflect the minimum needs of the Government is the responsibility of the agency concerned. 51 Comp. Gen. 315, 321 (1971). Our Office has recognized the right of the agencies to restrict performance within a particular geographical area when the circumstances are appropriate. See B-165771, January 4, 1967, and cases cited. Where a bid includes an exception to such requirement it may be rejected as nonresponsive. We have also held, however, that a conforming bid may be accepted even though at the time of bid opening and award the necessary facilities are not located within the designated area if it is determined that the bidder is capable of compliance by the time performance is due as this is a matter of responsibility. See 50 Comp. Gen. 769, 772 (1971), and cases cited.

Since it is our view that the Department of Justice has established a reasonable basis for the restriction in the instant procurement, your protest is denied.

Sincerely yours,

Paul S. Dexblin

For the

Comptroller General
of the United States